

EXHIBIT 12

From: Eckstein, Maya

Sent: Tuesday, September 12, 2023 3:19 PM

To: D. Yerushalmi

Cc: King, Jeremy; Elliker, Kevin; Cindy Page; Powell, Lewis; Damon Porter; Ehson, Kashfipour; Sehla Ashai

Subject: RE: Doe v Mast/Documents Produced by USCCB in Response to Subpoena`

David, I am following up on the emails below.

First, from our discussion with USCCB's general counsel, Will Quinn, it is evident that you/your client handled this subpoena in a manner intended to prevent Plaintiffs from having an opportunity to object to the subpoena before USCCB produced responsive material. Fed. R. Civ. P. 45(a)(4) explicitly requires "a notice and a copy of the subpoena must be served on each party" to a litigation "**before** [a subpoena] is served on the person to whom it is directed." The Advisory Committee Notes to Rule 45 explain that this provision is "intended to achieve the original purpose of enabling the other parties to object" Despite this Rule, we understand that your client, Richard Mast, repeatedly called and emailed USCCB employees in an effort to obtain the subpoena-ed documents – more than 20 times. You then electronically served the subpoena on USCCB on Sept. 5, but placed the subpoena in regular mail when serving it on Plaintiffs' counsel and not otherwise providing any notice to Plaintiffs' counsel until **after** USCCB already had responded to the subpoena. This, despite the fact that all other service in this case, including your service of Richard Mast's discovery requests and responses, has been made by email. Indeed, I did not receive my "snail mail" service copy of the subpoena until yesterday, September 11 – five days **after** USCCB already had responded to the subpoena.

In the future, please serve all subpoenas on counsel in a timely manner, providing proper notice, via email.

Second, setting aside for this moment the (in)appropriateness of your self-declared deadline for "sequestration," Plaintiffs will withdraw the privilege assertion relating to the memo from Martha Jenkins based on information provided by USCCB regarding Ms. Jenkins' role while working with USCCB. You already have it from USCCB, and we will produce our copy of it.

Thank you.

Maya